

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NATIXIS, FRANCE,

Plaintiff,

-against-

M/V TORM HARDRADA, IMO No.
9344007, her engines, tackle, equipment,
furniture, appurtenances, etc., *in rem*

Defendant.

No. 20-CV-9580

Admiralty

ORDER APPOINTING SUBSTITUTE CUSTODIAN

Considering the foregoing Motion for Appointment of Substitute Custodian filed by plaintiff, Natixis, France (“Natixis”), and finding same well-founded, it is hereby

ORDERED, ADJUDGED AND DECREED that the United States Marshal of the United States District Court for the Southern District of New York or his deputy, be and hereby is authorized and directed upon the arrest and seizure of the M/V TORM HARDRADA, her engines, tackle, equipment, appurtenances, etc., pursuant to the Warrant for Arrest issuing in this case, to surrender the possession thereof to the Substitute Custodian named herein, the Master of the M/V TORM HARDRADA, and that upon such surrender, the United States Marshal shall be discharged from his duties and responsibilities for the safekeeping of said vessel and held harmless for any and all claims arising whatever out of said substituted possession and safekeeping.

IT IS FURTHER ORDERED that the Master of the M/V TORM HARDRADA be and hereby is appointed the substitute custodian of the M/V TORM HARDRADA to retain the same in their custody for possession and safekeeping.

IT IS FURTHER ORDERED in consideration of the Court’s appointment of the Master

of the M/V TORM HARDRADA as substitute custodian, Plaintiff agrees to release the United States and the United States Marshal from any and all liability and responsibility arising out of the care and custody of the M/V TORM HARDRADA from the time the U.S. Marshal or his deputy transfers possession of said Vessel over to the Substitute Custodian, and the Plaintiff further agrees to hold harmless and to indemnify the United States and the United States Marshal from any and all claims whatsoever arising out of the Substitute Custodian's possession and safekeeping of the M/V TORM HARDRADA.

IT IS FURTHER ORDERED that said substitute custodian shall retain the M/V TORM HARDRADA in his custody, possession, and safekeeping until further Order of this Court;

IT IS FURTHER ORDERED the M/V TORM HARDRADA may be moved with the permission of the United States Marshal to other berths or anchorages within this judicial district at no cost to the Plaintiff, so long as the vessel stays within this judicial district.

New York, New York, this 14th day of November, 2020.



J. PAUL OETKEN
United States District Judge

Part I